



A Guide to Filing a Complaint Against a Licensed Child Care Provider

What to Do When You Have
Complaints & Concerns about Child Care

**BUREAU OF
COMMUNITY AND HEALTH SYSTEMS
CHILD CARE LICENSING DIVISION**

www.michigan.gov/michildcare





**Together parents, providers, communities and the state
protecting children.**

Michigan's child care is a partnership among:

- **PARENTS.**
- **CHILD CARE PROVIDERS.**
- **COMMUNITIES.**
- **THE STATE OF MICHIGAN.**

Each member of this partnership has an essential role in ensuring that children are cared for properly -- in an environment that nurtures each child to grow emotionally, physically, intellectually, and socially.

The Child Care Organizations Act (1973 PA 116) was passed giving the Department of Licensing and Regulatory Affairs the power to develop and enforce rules for child care facilities. Within the department, the Child Care Licensing Division in the Bureau of the Community and Health Systems has the responsibility to license and regulate child care programs. The division also provides consultation and education to members of the partnership.

This pamphlet is designed to help every member of the child care partnership to better understand how to address concerns and complaints in a positive way. It explains how to personally address a problem and who to contact if the problem seems too large for you to handle alone.



What to Do when You Have Concerns About Child Care

Questions sometimes arise regarding whether Michigan's licensing rules are being followed. This is when conflicts, concerns and complaints may surface. Concerns can come from a variety of sources -- parents, child care providers, caregiving staff, health and fire authorities, and community members.

This pamphlet offers the following steps on how to address those concerns:

- Step 1 Communicate with Those Involved.
- Step 2 Call Licensing for Assistance and Discuss Filing a Complaint.
- Step 3 Cooperate in the Investigation Process.
- Step 4 Get the Findings.
- Step 5 Know What Happens After the Investigation.





Step One — Communicate with Those Involved

Open, positive communication can go a long way in resolving problems early, before they grow. When concerns exist, it is the responsibility and obligation of all the members of the partnership to confront the issues and resolve them.

You may want to set up an appointment to speak with the person in charge of the child care facility to share your concerns. It's important for everyone involved to work together.

Whether you are a parent, provider, staff or community member, knowledge of Michigan's licensing rules can assist you in this communication. These rules outline how children are to be cared for in child care facilities. The rules are in place to protect children from harm.

While the department has a responsibility to enforce these rules, licensing staff cannot be at every child care facility all the time. Therefore, parents, providers and others must work together to ensure children are being cared for properly. Ask your child care facility for a copy of the licensing rules so you can become familiar with them. The rules can also be found on the child care licensing website at www.michigan.gov/michildcare.



Step Two — Call Licensing for Assistance and Discuss Filing a Complaint.

If your concerns cannot be resolved by communicating directly with the child care facility, call your local child care licensing office or the division's central office at (866) 685-0006.

A licensing staff member will speak with you about your concerns and determine if the complaint is one the department has authority to investigate. The department's authority focuses directly on concerns related to the licensing rules and the law. It cannot investigate concerns such as the amount of money charged for fees, lost clothing, etc.

Licensing staff will follow-up on all complaints that suggest possible violations of the licensing law or rules. All complaints are taken seriously.





Step Three — Cooperate in the Complaint Process

Once a complaint is filed, there are several actions that must be taken to make sure the process is fair to children, parents, providers, and the child care staff. The licensing consultant determines who needs to be contacted to obtain information. It is important that individuals with information regarding the complaint be willing to cooperate with the investigation.

As the complainant, you will be asked to describe your concerns in detail. It may be necessary to call you at a later date to further clarify information. You are also welcome to call the licensing consultant if you have further information or questions about the process.

The licensing consultant will talk to the licensee/registrant, as well as the person in charge at the facility, to determine their understanding of what happened. Other people may also be interviewed about what they observed. Depending on the nature of the complaint, these interviews may involve former and current parents, children and staff, as well as outside authorities or neighbors.





If a complaint involves issues of environmental health, sanitation, fire safety, abuse or neglect, additional agencies may be contacted to assist in the investigation.

The inspection is usually not announced and records may also be examined during the inspection. If additional concerns related to the rules or law arise during the investigation, the licensing consultant has a responsibility to investigate those too.

Most investigations are completed and the special investigation reports are finalized within 60 days. The following licensing actions may occur as a result of the investigation.

- When no violations are established, the license/registration remains unchanged.
- When violations are established, one or more actions may occur:
 - The registrant/license indicates how and when they will make corrections in a corrective action plan. It is the department's expectation that the provider correct any violations that exist within a given time period.
 - Licensing inspections may be increased to monitor the facility to ensure the licensee/registrant corrects any problems.
 - The license may be reduced to a provisional status for six months (only for group homes and centers) while the licensee corrects any problems.
 - The licensee/registrant may lose the license/registration.

The goal is to bring every child care facility into compliance with the law and rules. The licensing consultant will follow up with the licensee/registrant to determine whether or not the violations have been corrected.



Step Four — Get the Findings

For all complaints, the licensing consultant will write a report describing the complaint and summarizing the investigation and findings. The licensee/registrant of the facility will be sent a copy of this report after it is completed. The licensee/registrant is required to file this report and any related corrective action plans in their licensing notebook which is available to parents during regular business hours. Most reports will be posted on the child care licensing website at www.michigan.gov/michildcare. Any reports containing confidential information will not be available online or in the licensing notebook. Confidential reports will not be released under the Freedom of Information Act.





Step Five — Know What Happens After the Investigation

In most cases, when a licensee/registrant becomes aware of licensing violations, the necessary corrections are made. The licensing consultant continues to be available for follow-up and consultation.

If the violations are not corrected and the law and rules continue to be violated, the department may take a variety of disciplinary actions against the facility. The most serious is the summary suspension and revocation of the license/registration.

When the department recommends any disciplinary action, the licensee/registrant has the right to appeal that action at a hearing. The licensee's/registrant's side of the issues can be heard before an administrative law judge prior to the disciplinary action taking effect.

In a hearing, both the department and the licensee/registrant may call witnesses to testify on their behalf. If you offered information during the investigation, you may be called to testify.

The administrative law judge's responsibility is to determine if the recommended disciplinary action against the facility is justified. The judge's decision is reviewed by the director of the Department of Licensing and Regulatory Affairs who makes the final decision regarding the license/registration.



Together parents, providers, communities and the state protecting children.

As a parent, you want your children happy, safe and well cared for when you cannot be with them. Being informed and involved in your children's care begins with good communication. It means asking questions, listening and sharing information on an ongoing basis. It includes visiting the child care facility at different times of the day and volunteering to help so you get to know the staff who care for your children.

As a child care provider or staff member, your role is to give children the best possible care to foster their well-being. It means being knowledgeable about the licensing law and rules and putting that knowledge into practice. It is being open to ideas and concerns and always seeking to improve your services.

Each community, has a role in the partnership to encourage good child care practices. This includes accepting that children in care need the community's support and protection. It means taking action to show that support.

The state, through the Bureau of Community and Health Systems, Child Care Licensing Division, has the responsibility to enforce rules for child care facilities. The division has the additional role of providing consultation and public education for the improvement of child care services in Michigan.

In partnership, everyone working together will make a difference in the education and protection of our children!



Copies of the licensing law and licensing rules are available on the Child Care Licensing website at www.michigan.gov/michildcare.



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